55. (Amended) The assembly of claim 51 further including a guide tube means having an inner lumen dimensioned for receiving the guide wire means and the reshaping means and introducer means when the reshaping means and introducer means are slidingly received on the guide wire means.

## REMARKS

Claims 3, 16-40, and 43 are canceled by this paper. Claims 16-40 have been canceled for being directed to a nonelected invention and species. Claims 3 and 43 have been canceled and the limitations of these claims have been entered into amended claims 1 and 41 respectively. As a result, claims 1, 2, 4-15, 41, 42, and 44-57 remain pending in the application.

As a preliminary matter, although all pending claims read on both Figs. 2 and 10, election to one of these figures as a species under Group I is required. In response to this requirement, the species of Fig. 10 is hereby elected without traverse and without limiting the scope of any allowed claim.

As a further preliminary matter, claims 51 and 55 have been amended as suggested in the Office Action by the inclusion of the articles "an" and "a" in claims 51 and 55 respectively. These amendments are not intended to further limit either of these claims, but instead are made to merely correct alleged informalities.

Claims 1, 4-11, 13-15, 41, 44-51, and 53-57 stand rejected under 35 U.S.C. 102(e) as being anticipated by Solem et al., U.S. Patent No. 6,210,432. Claims 2, 12, 42 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Solem et al. in view of de Toledo et al., U.S. Patent No. 4,830,023. It is respectfully submitted that each of the above claims is in allowable form over these references as explained below. Hence, favorable reconsideration and allowance of these claims are respectfully urged.

On February 23, 2003, a telephonic interview was had between the examiner and the undersigned. The granting of that interview is gratefully appreciated. During that interview, agreement was reached that the limitations of claim 3 are not present in Solem et al. More specifically, it was agreed that Solem et al. failed to show or describe a mitral valve annulus device having a guide wire engaging structure as defined in claim 3. It was

further agreed that the limitations of claim 3 should be included into claim 1 to overcome the Solem et al. reference.

In view of the foregoing, claim 3 has been cancelled and the limitations recited therein have been incorporated into amended claim 1. Claim 1, as amended, is thus considered to be in condition for allowance over Solem et al. It is further respectfully submitted that no additional search is rendered necessary since claim 3 has already been searched. Accordingly, early allowance of claim 1 is deemed appropriate.

Claims 2 and 4-15 are all dependent from claim 1. Hence, each of these claims is considered allowable for the same reasons.

The foregoing discussion with respect to claims 1 and 3 applies equally to claims 41 and 43. These claims are essentially claims 1 and 3 in "means plus function" form. Accordingly, claim 43 has been canceled and claim 41 has been amended to incorporate the limitations of claim 43 therein. Hence, claim 43 now defines an assembly not shown or described in Solem et al. Claim 41 is thus considered to be in condition for allowance.

Claims 42 and 44-55 are all dependent from claim 41. Hence, it is respectfully submitted that each of these claims is allowable for the same reasons.

With respect to claims 56 and 57, each of these claims defines a mitral valve annulus device having guide wire engaging structure. The guide wire engaging structure of claim 56 is the recited device channel and bore permitting the device to be slidingly received on a guide wire. The guide wire engaging structure of claim 57 is the recited device "guide wire receiving structure that slidingly mounts the device on a guide wire".

As will be noted from the above, claims 56 and 57 define device structure and function not shown or disclosed in Solem et al. As noted and agreed during the interview of February 28, 2003, Solem et al. does not include depiction or description of device guide wire engaging structure permitting the device to be slidingly received or mounted on a guide wire. Hence, it is respectfully submitted that claims 56 and 57 are allowable over Solem et al.

Lastly, claims 1, 2, 8-12, 15, 41, 42, 58-52, 55 an 57 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 and 9-15 of copending and commonly owned Application No. 09/855,946. Under the same doctrine, claims 1, 11, 13, 41, 51, 53 and 57 are provisionally

rejected with respect to claim 11 of copending and commonly owned Application No. 09/751,271 in view of Solem et al.

In response to these provisional rejections, filed herewith are Terminal Disclaimers to obviate these rejections. Hence, these provisional rejections are believed to be overcome.

It is respectfully submitted that all outstanding issues have been addressed and that each pending claim has been demonstrated to be allowable. Hence, allowance of the application is respectfully urged.

If any issue precluding allowance remains, the undersigned may be called to resolve such issues.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

GRAYBEAL JACKSON HALEY LLP

Richard O. Gray, Jr.
Attorney for Applicant
Registration No. 26,550
155 - 108th Avenue NE, Ste. 350
Bellevue, WA 98004
(425) 455-5575

## ALL PENDING CLAIMS INCLUDING MARKED-UP VERSION OF AMENDED CLAIMS

1. (Amended) An assembly for effecting the condition of a mitral valve annulus of a heart comprising:

a guide wire configured to be fed into the coronary sinus of the heart; and

a mitral valve annulus device configured to be slidingly received on the guide wire and advanced into the coronary sinus of the heart on the guide wire and that reshapes the mitral valve annulus when in the coronary sinus of the heart,

wherein the mitral valve annulus device has opposed ends and includes a guide wire engaging structure at at least one of the opposed ends.

2. The assembly of claim 1 wherein the guide wire is an elongated coil.

3. Canceled.

4. (Amended) The assembly of claim ~~3~~1 wherein the guide wire engaging structure includes a bore dimensioned to permit the guide wire to pass therethrough.

5. The assembly of claim 4 wherein the device further includes a guide wire confining channel extending between the opposed ends.

6. The assembly of claim 4 wherein the bore of the guide wire engaging structure is cylindrical in configuration.

7. The assembly of claim 6 wherein the device further includes a guide wire confining channel extending between the opposed ends and aligned with the bore.

8. The assembly of claim 1 wherein the guide wire is formed of a material visible under X ray fluoroscopy.

9. The assembly of claim 1 wherein at least a portion of the device is visible under X ray fluoroscopy.

10. The assembly of claim 1 wherein the device is visible under X ray fluoroscopy.

11. The assembly of claim 1 further including an elongated introducer configured to be slidingly received on the guide wire proximal to the device.

12. The assembly of claim 11 wherein the introducer is an elongated coil.

13. The assembly of claim 11 wherein the device includes a proximal end, the introducer includes a distal end, and wherein the assembly further includes a releasable locking mechanism configured to releasably lock the proximal end of the device to the distal end of the introducer.

14. The assembly of claim 13 wherein the releasable locking mechanism includes a locking pin and a complimentary detented locking groove.

15. The assembly of claim 11 further including a guide tube having an inner lumen dimensioned for receiving the guide wire and the device and introducer when the device and introducer are slidingly received on the guide wire.

16. - 40. - Canceled.

41. (Amended) An assembly for effecting the condition of a mitral valve annulus of a heart comprising:

guide wire means for extending along a predetermined path into the coronary sinus of the heart; and

mitral valve annulus reshaping means for sliding along the guide wire means and being advanced into the coronary sinus of the heart.

wherein the mitral valve annulus reshaping means has opposed ends and includes guide wire engaging means at at least one of the opposed ends.

42. The assembly of claim 41 wherein the guide wire means comprises an elongated coil.

43. Canceled.

44. (Amended) The assembly of claim 4341 wherein the guide wire engaging means includes a bore dimensioned to permit the guide wire means to pass therethrough.

45. The assembly of claim 44 wherein the reshaping means further includes channel means extending between the opposed ends for confining the guide wire means.

46. The assembly of claim 44 wherein the bore of the guide wire engaging means is cylindrical in configuration.

47. The assembly of claim 46 wherein the reshaping means includes guide wire channel means extending between the opposed ends and aligned with the bore for confining the guide wire means.

48. The assembly of claim 41 wherein the guide wire means is formed of a material visible under X ray fluoroscopy.

49. The assembly of claim 41 wherein at least a portion of the reshaping means is visible under X ray fluoroscopy.

50. The assembly of claim 41 wherein the reshaping means is visible under X ray fluoroscopy.

51. (Amended) The assembly of claim 41 further including an elongated introducer means configured to be slidingly received on the guide wire means proximal to the reshaping means for pushing the reshaping means along the guide wire means.

52. The assembly of claim 51 wherein the introducer means comprises an elongated coil.

53. The assembly of claim 51 wherein the reshaping means includes a proximal end, the introducer means includes a distal end, and wherein the assembly further includes releasable locking means for releasably locking the proximal end of the reshaping means to the distal end of the introducer means.

54. The assembly of claim 53 wherein the releasable locking means comprises a locking pin and a complimentary detented locking groove.

55. (Amended) The assembly of claim 51 further including a guide tube means having an inner lumen dimensioned for receiving the guide wire means and the reshaping means and introducer means when the reshaping means and introducer means are slidingly received on the guide wire means.

56. A mitral valve annulus constricting device for reshaping and effecting the condition of a mitral valve annulus of a heart comprising a resilient member having a cross sectional dimension for being received within the coronary sinus of a heart and having a longitudinal dimension having an arched configuration for partially encircling the mitral valve and exerting an inward pressure on the mitral valve when within the coronary sinus adjacent the mitral valve for constricting the mitral valve annulus, the device having a distal end, a proximal end, a bore through at least one of the ends, and a channel extending between the ends, the channel and bore permitting the device to be slidingly received on a guide wire.

57. A mitral valve annulus therapy device comprising a generally C-shaped member formed of resilient material for exerting a substantially radially inward force on the mitral valve annulus when placed in the coronary sinus of a heart about and adjacent to the mitral valve, the device having a guide wire receiving structure that slidingly mounts the device on a guide wire.